

VINOD NICHANI – SB#277607
NICHANI LAW FIRM
1250 Oakmead Pkwy., #210
Sunnyvale, California 94085
Phone: 408-800-6174
Fax: 408-290-9802
Email: vinod@nichanilawfirm.com

(Proposed) Attorney for Debtor-in-Possession
VICTOR BATINOVICH

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re:)	Case No.: 17-52444
)	
)	CHAPTER 11
VICTOR BATINOVICH)	
)	SUPPLEMENTAL DECLARATION IN
)	SUPPORT OF MOTION TO DISMISS
Debtor-in-Possession)	CHAPTER 11
)	
)	
)	
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I, VICTOR BATINOVICH, hereby declare as follows:

1. I am the Debtor/Movant herein. I make this declaration based upon my own personal knowledge. If called as a witness to testify in this proceeding, my testimony would be substantially in conformance with the statements herein.
2. I, through counsel, caused to be filed a voluntary petition under Chapter 11 on October 5, 2017.
3. The principal reason for the filing of my bankruptcy was to prevent the foreclosure of my personal residence located at 3085 Paseo Vista, San Martin, California 95046.

- 1 4. During the course of my Chapter 11 proceeding, the automatic stay expired and I,
2 through counsel was unable to impose the stay or obtain a temporary restraining order to
3 prevent the foreclosure of my residence.
4
- 5 5. The benefit of the automatic stay is not available to protect my residence in my Chapter
6 11. Consequently, a Chapter 11 Plan is of no assistance to me.
- 7 6. Creditors will not be prejudiced by the dismissal of my Chapter 11 case. At the time of
8 filing my Motion to Dismiss, my bankruptcy was less than two (2) months old. My
9 creditors will have the same rights post-dismissal as they had prior to my bankruptcy
10 filing. In fact, I have met with litigation counsel to review my potential claim against
11 Wells Fargo Bank, AIPAC, Inc., and Tri Huang regarding recovery of my claim of
12 \$8,500,000 as a contingency matter. I have been unsuccessful in retaining counsel in that
13 most attorneys will not take my case without a large retainer up front, which I do not
14 have. As a result, whether or not creditors may receive any recovery from such claim is
15 questionable.
16
17

18 Therefore, I am requesting an order from the Court dismissing my Chapter 11 case.

19 I DECLARE, under the penalty of perjury of the laws of the United States of America that the
20 foregoing is true and correct.
21

22 Date: 1/3/2018
23

24 /s/ Victor Batinovich
25 Victor Batinovich
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